

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

No. 3:22-CR-14  
Varlan/McCook

DAVID HENDERSON

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**MOTION TO DISMISS THE INDICTMENT  
FOR FAILURE TO STATE AN OFFENSE**

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Comes the Defendant, David Henderson, through counsel, pursuant to Rules 7(c) and 12(b)(3) of the Federal Rules of Criminal Procedure, and the Fifth and Sixth Amendments to the United States Constitution, and respectfully moves the Court to dismiss the Indictment filed on February 16, 2022, on the grounds that the Indictment, insofar as it alleges a violation of 18 U.S.C. §§ 666(a)(1)(A) and 371, fails to state an offense.

Respectfully submitted on April 29, 2022.

s/ Robert R. Kurtz  
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